

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN GLASS AND GLAZING INDUSTRY
DEFINED CONTRIBUTION PENSION PLAN,
et al,

Plaintiffs,

v

Case No. 06-CV-13087

Hon. Robert J. Cleland

YPSILANTI ACME GLASS AND PAINT
COMPANY, d/b/a ACME GLASS & PAINT
COMPANY, d/b/a MICHIGAN GLASS COMPANY,

Defendant.

ORDER FOR EXAMINATION OF JUDGMENT
DEBTOR AND RESTRAINING TRANSFER OF CERTAIN
PROPERTY SUPPLEMENTARY TO JUDGMENT

Kenneth Jim McDonald, a/k/a Jim McDonald (“McDonald”)

THIS MATTER having come before this Court on Plaintiffs’ Motion for Examination of Judgment Debtor, and said motion having been duly filed along with a supporting Affidavit and Brief, and the Court having reviewed the same and being fully advised in the premises;

NOW THEREFORE;

IT IS HEREBY ORDERED that McDonald, as general manager of Ypsilanti Acme Glass and Paint Company, d/b/a Acme Glass & Paint Company, d/b/a Michigan Glass Company (“Defendant”), whose address is 93 Emerick, Ypsilanti, Michigan 48198, appear at the law offices of Erman, Teicher, Miller, Zucker & Freedman, P.C., 400 Galleria Officentre, Suite 444, Southfield, Michigan 48034, on **Wednesday, June 25, 2008 at 10:30 a.m.**, to be examined under oath concerning the income, property, or other means of satisfying the Amended Judgment entered herein against Defendant on February 21, 2008.

IT IS FURTHER ORDERED that said person shall bring with him the following books, records, and papers in his possession, custody or control as they relate to Defendant Ypsilanti Acme Glass and Paint Company, d/b/a Acme Glass & Paint Company, d/b/a Michigan Glass Company for the period from and after the date of the first examination of judgment debtor, specifically from and after December 18, 2007 to the current date:

1. All checkbooks, check registers, check stubs, canceled checks, bank statements and other documents whatsoever relating to any deposit, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization, in which Defendant has, or has had, any interest;

2. Copies of all returns, schedules and forms filed by, or on behalf of, Defendant with the Internal Revenue Service, State of Michigan, and any municipal governments, relating to any income received, property owned, business activities, sale or intangibles tax, of Defendant;

3. All books of account and accounts receivable ledgers;

4. Copies of all profit and loss statements and balance sheets relating to the affairs of Defendant prepared by, or on behalf of, said Defendant;

5. All employee payroll records from December 18, 2007 to current date evidencing employee earnings histories on a job-by-job basis, including, but not limited to, paychecks and/or canceled paycheck stubs, IRS Form W-2's, W-3's, and 091's, and MESC contribution reports;

6. A list of all construction projects completed, or in process, since December 18, 2008 to the current date, including therein all contract balances due to Defendant and identification of the general contractor or customer of Defendant.

7. All construction project payment bonds on all public projects undertaken or in process by Defendant from December 18, 2007 to the current date, together with itemized employee earnings records on all such public projects identified;

8. All employee earnings records evidencing hours worked from December 18, 2007 to the current date, including, but not limited to, employee earnings registers, payroll records, canceled paychecks, time cards, IRS Form W-2, W-3 and 1099's, MESC contribution reports, and all further records which confirm employee earnings history from December 18, 2007 to date.

9. All employee earnings histories on an itemized job-by-job basis evidencing employee hours by job from December 18, 2007 to date.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 2, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 2, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522